

The Honorable Ronald B. Leighton



08-CV-05699-ORD

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

C.S. and D.S.,

Plaintiffs,

No. CV-08-05699-RBL

v.

**STIPULATION AND AGREED  
PROTECTION ORDER**

DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES (DSHS), JOHN DOE  
SUPERVISOR, JOHN DOE DIRECTOR,  
AND SUNRISE COMMUNITY  
FACILITY,

Defendants.

**STIPULATION**

IT IS HEREBY STIPULATED by the parties Plaintiffs C.S. and D.S., by and through their attorneys of record, Noah Davis and Erin Ramsey, and Defendants Department of Social and Health Services (DSHS), John Doe Supervisor, John Doe Director, and Sunrise Community Facility, by and through their attorney of record, John K. McIlhenny, that the following proposed form of the Agreed Protective Order shall be entered by the Court and that it shall apply to any and all documents and information produced or disclosed by plaintiff pursuant to discovery in the above-captioned matter:

1 DATED this 17th day of June, 2009.

DATED this 17th day of June, 2009.

2  
3 /s/ Noah C. Davis  
Noah C. Davis, WSBA #30939  
4 Attorney for Plaintiffs

/s/ John K. McIlhenny  
John K. McIlhenny, WSBA #32195  
Attorney for Defendants

5 /s/ Erin Ramsey  
6 Erin Ramsey, WSBA #40487  
Attorney for Plaintiffs

7  
8 **ORDER**

9 Pursuant to agreement by and among counsel for the parties that the terms and conditions  
10 of this Agreed Protective Order shall apply to any and all documents and information produced  
11 or disclosed pursuant to discovery in the above-captioned matter,

12 It is hereby ORDERED as follows:

13 **PROCEDURE AND DEFINITIONS**

14 **1. Confidential Information**

15 A Party may, upon the exercise of its good faith, designate as confidential any document  
16 or testimony that contains sensitive personal or financial information ("Confidential  
17 Information"). A Party may so designate by stamping such document with the word  
18 "Confidential," or by attaching a cover sheet to consecutively numbered documents (e.g., Bates  
19 stamped) and designating which specifically numbered documents contain "Confidential  
20 Information," by noting in a written response (as for Interrogatories, Requests for Production or  
21 Requests for Admission) that the specific response is confidential, or by any other reasonable  
22 means.  
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1 **2. Access to Confidential Information**

2 The attorneys for the Parties will use Confidential Information solely for legitimate  
3 purposes related to the above-captioned matter. The attorneys for the Parties may disclose  
4 Confidential Information only to the following persons:

5 a. The attorneys of the Parties who have need for such information for purposes of this  
6 litigation;

7 b. Parties to this action may be shown copies of documents designated as confidential  
8 only after all account numbers have been redacted. All redactions pursuant to this provision are  
9 the responsibility of the party designating confidentiality;

10 c. Experts and consultants retained by any of the Parties who have need for such  
11 information to assist in this litigation;

12 d. Any deposition or trial witness;

13 e. The Court, jury, court personnel, court reporters and similar personnel; or

14 f. Any other person with the prior written consent of the designating Party.

15 **CONSENT TO BE BOUND**

16 **3. Notice of Order**

17 Prior to receiving, being shown or using Confidential Information, persons falling into  
18 the categories listed above, other than in section 2(f), shall be shown a copy of this Stipulation  
19 and Protective Order, and shall agree in writing, or verbally on the record during deposition or  
20 trial, to be bound by its terms by executing the Acknowledgment in form and content attached  
21 hereto.

22 **4. Use at Deposition**

23 Any Party asserting during a deposition that information to be used in the deposition is  
24 Confidential Information shall seek on the record agreement of the deponent to comply with the

1 provisions of this Protective Order. If the deponent refuses to assent, disclosure of such  
2 information to the witness during the deposition shall not constitute a waiver of the  
3 confidentiality protections of this Protective Order.

#### 4 **CHALLENGE TO DESIGNATIONS**

##### 5 **5. Notification and Challenge**

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7 If any Party challenges the designation of any document or information as Confidential  
8 Information, that Party shall notify the other Parties to this litigation of the intent to challenge the  
9 confidentiality designation. Thereafter, all parties shall negotiate promptly in good faith to  
10 resolve any dispute by agreement in this regard without resort to the Court. In the event of  
11 failure to so agree, the challenging Party may apply to the Court by motion for appropriate relief  
12 for consideration within ten days of the filing of the motion; provided, however, that the  
13 protections under this Protective Order for Confidential Information shall continue to apply until  
14 such time as the Court has ruled to the contrary.

##### 15 **6. Return**

16  
17 At the conclusion of this litigation and within 30 days of entry of the dismissal, the  
18 Parties shall, upon request of the Producing Party, return all physical copies of all documents  
19 produced by the Parties to the producing Party. Electronic copies shall be either permanently  
20 deleted or maintained as confidential.

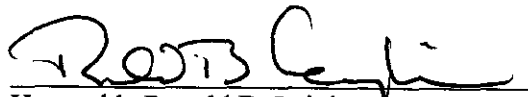
21 A Stipulated Protective Order regarding documents produced by the Defendants in this  
22 lawsuit was entered on February 23, 2009 (Dkt. 12). Entry of this order does not supercede or  
23 contravene the protections provided under that Protective Order.

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1 The Court hereby ORDERS that the Parties abide by the Stipulation and Agreed  
2 Protective Order.

3  
4 DATED this 19<sup>th</sup> day of June, 2009.

5 

6 Honorable Ronald B. Leighton  
7 U.S. District Court, Western District of Washington

8 Presented by:

9 /s/ Noah C. Davis  
10 Noah C. Davis, WSBA #30939  
11 Attorney for Plaintiffs

12 /s/ Erin Ramsey  
13 Erin Ramsey, WSBA #40487  
14 Attorney for Plaintiffs

15 Approved as to form and Notice of  
16 Presentation waived:

17 /s/ John K. McIlhenny  
18 John K. McIlhenny, WSBA #32195  
19 Attorney for Defendants  
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